THE HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.No. 17946 of 2005

This writ petition is filed seeking a declaration that the action of the respondents in making attempts to demolish and dispossess the petitioner's H.No.21-5-5 & 5/1 situated at Petlaburj, Muslim Jung Pool, Hyderabad, as illegal and arbitrary and for a consequential direction to the 2nd respondent not to interfere with his peaceful possession and enjoyment of his house and to initiate Land Acquisition Proceedings for providing compensation and alternative site in place of his premises taken by the respondents.

The case of the petitioner is that he is the owner of House No.21-5-5 & 5/1, Petlaburj, Muslim Jung Pool, Hyderabad and had been in possession of the said house for more than a decade. The petitioner submits that earlier on two occasions the respondents demolished part of his house and challenging the same he filed W.P.No. 22221 of 1999, which is pending in this Court. Further the respondents demolished a portion of the house on 25-11-2004, though the writ petition is still pending. The petitioner also submits that he had expressed his willingness to hand over possession of his house for road widening and in turn the authorities promised him to give alternative house site and compensation by invoking Land Acquisition Proceedings. The petitioner complains that though he made a representation in that regard no orders are passed by the respondents. Challenging the said action of the respondents the petitioner filed the present writ petition.

Having regard to the facts and circumstances of the case, without going into the merits, I consider it appropriate to dispose of the representation stated to have been filed by the petitioner expeditiously. Further the respondents shall not interfere with the possession of the petitioner or dispossess him from his H.No.21-5-5/ & 5/1 situated at Petlaburj, Muslim Jung Pool, Hyderabad without following the due process of law. The respondents are also directed not to demolish the

house of the petitioner in question without giving an opportunity of being heard and without following the procedure contemplated under law. It is needless to say that if the premises in question is required for public purpose, the respondents may invoke the provisions of Land Acquisition Act.

The writ petition is accordingly disposed of. No costs.

16th August, 2005

BJ/

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH: AT HYDERABAD

The Hon'ble Sri Justice E. Dharma Rao

W.P.No. 17946 of 2005

Dated: 16th August, 2005

Between:

D. Anil Kumar …Petitioner

And

The Commissioner, Municipal
Corpn. Of Hyderabad, Hyderabad. …Respondents